IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.153 OF 2006
IN
WRIT PETITION NO. 1949 OF 1996

Ms.Shakeela Abdul Karim
Mulla and 14 Ors. ..Petitioners

Vs.

Municipal Corporation of
Gr.Bombay and 5 others ..Respondents

And

The Regional Provident
Fund Commissioner ..Opponent

...

Mr.M.M.Vashi Advocate for Petitioners
Mrs.M.Kajale AGP for Respondent No.1-State
Mrs.A.K.Savla for Respondent No.2-B.M.C.
Ms.Forhat Sheikh for Respondent Nos.4 & 5.

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CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 16,2006

ORAL ORDER (PER SMT.V.K.TAHILRAMANI,J.):

1. Heard Mr.Vashi, the learned counsel for the Petitioners, Mr.Kajale AGP for State, Mrs.A.K.Savla, the learned counsel for the B.M.C. and Ms.Farhat Sheikh, the learned counsel for the Respondent Nos.4 and 5.

2. The Respondent i.e. Regional Provident Fund Commissioner had issued a show-cause Notice dated 9.1.2002 against the applicant-petitioner. The said Notice was challenged in Notice of Motion No. 78 of 2002. In the said matter, this Court had by order dated 9.8.2002 restrained the Provident Fund Authority from taking further steps pursuant to the said show-cause notice. However, in spite of the injunction order of this Court dated 9.8.2002, the Provident Fund Authority again passed the prohibitory order dated 13.12.2005 and consequent to the said prohibitory order, the Maharashtra Co-operative Bank Ltd.Ghatkopar (W) Branch, Mumbai where the School has Account Nos. 33A and 33B have been attached. This has been communicated to the Petitioner vide letter dated 4.1.2006. It has also been pointed out that on account of Id, the petitioner requested for temporary revocation of the attachment. The said request came to be allowed for a period of 15 days. If the attachment order is allowed to remain effective, the salary of the teaching and non-teaching staff cannot be released.

3. Hence, for the reasons set out in the said order dated 9.8.2002 passed in Notice of Motion No. 78 of 2002, we make this Notice of Motion absolute in terms of prayer clause (a) which reads as under:-

. "(a) that pending the hearing and final disposal of the petition, attachment levied by the opponent on the bank accounts No.33A and 33B opened with Maharashtra Co.Op. Bank Ltd. Ghatkopar (W) Branch, pursuant to the prohibitory order dated 13.12.2005 (Ex.D) be raised and the Opponent be restrained from executing the said prohibitory order dated 13.12.2005 (Ex.D) till the final hearing of the petition."

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]